


Memorandum



Date: March 29, 2006

To: Mr. Stan Dixon  
Chair  
Board of Forestry and Fire Protection

From: **L. RYAN BRODDRICK, Director**   
**Department of Fish and Game**

Subject: Extension of Threatened or Impaired Watershed Rules

The Forest Practice Committee (Committee) of the Board of Forestry and Fire Protection (Board) is currently discussing the Threatened or Impaired Watersheds Rules, which are due to expire December 31, 2006. Included in these discussions is the extension or permanent adoption of these rules, implementing effectiveness and implementation monitoring, and a systematic review of scientific studies that have come to light since the Board adopted these interim rules in 2000.

The Department of Fish and Game (Department) believes it is very useful to have these discussions, but time is limited. The Committee must act soon to make a recommendation to the full Board. Otherwise there is the risk that the rules will expire at the end of the year without an extension. The Department recommends extension or permanent adoption of these rules to give the Committee more time to conduct a complete review of scientific studies and recommendations for a monitoring program.

The Department believes these rules are important for the following reasons:

- The Department relies upon these rules in its review of Timber Harvesting Plans within the range of state-listed Coho salmon. They form a baseline set of measures which the Department believes are necessary to meet standards of the California Environmental Quality Act for mitigating potentially significant impacts to salmon and steelhead. The Department further believes additional measures, beyond the Threatened or Impaired Watershed Rules, are needed to protect smaller watercourses and to reduce sediment delivery.
- The Department is relying upon these rules for the development of incidental take guidelines as directed by the Commission (Fish and Game Code 2112). The ability of the Department to develop and implement a streamlined incidental take permitting procedure for Coho salmon will be significantly impeded if the Threatened or Impaired Watershed Rules expire.

The Threatened and Impaired Watershed Rules represent a significant enhancement over the previous Forest Practice Rules, principally by providing additional protections to fish bearing streams. Continuance of these measures will be necessary if these streams are to provide spawning and rearing habitat for salmon and steelhead now and into the future.

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One of the recovery tasks in the final Coho Recovery Strategy (June 2004) is for the Department to continue to support the Threatened and Impaired Watershed rules, which provide needed protection for Coho salmon.

Board Staff has said in Committee meetings that the Board must issue a 45-day notice no later than July for a public hearing in September in order for an extension or permanent rules to become effective on January 1, 2007. The Department urges the Committee to act promptly on the formulation of its recommendation.

If you have any questions, please contact me or Dr. Marty Berbach, Staff Environmental Scientist, at (916) 327-8839 or at [mberbach@dfg.ca.gov](mailto:mberbach@dfg.ca.gov).

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